

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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BENJAMIN JOHN BIESE,

Plaintiff,

-vs-

Case No. 14-CV-0026

WILLIAM POLLARD,  
TONY MELI,  
BRIAN GREFF, and  
CO BEASLEY,

Defendants.

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**DECISION AND ORDER**

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Now before the Court are three motions filed by the plaintiff and one motion filed by the defendants.

First, on November 10, 2014, the plaintiff requested additional time to conduct discovery. The Court will grant this motion in part. The plaintiff may not conduct additional discovery at this time. However, if the defendants' motion for summary judgment on exhaustion grounds is denied, the Court will provide the parties with additional time to conduct discovery on the merits of the case.

Second, also on November 10, 2014, the plaintiff filed a motion to seal documents relating to 37 pages of mental health records the defendants obtained pursuant to an authorization the plaintiff provided. The plaintiff also asks for copies of the documents

based on a notation he added to the authorization the defendants provided when he signed the authorization. The Court will deny this motion because there is no need to seal documents that have not been filed with the Court. If, in the future, either party wishes to file any of those records, they should redact personal information and possibly ask to seal the records at that time. The Court will direct the defendants to provide the plaintiff with a copy of the documents within seven days of this Order. If the defendants used the authorization as modified by the plaintiff to obtain the records, they should comply with the plaintiff's additional requirement that he receive copies of the documents obtained.

Third, on December 8, 2014, the plaintiff filed another motion for extension of time, seeking until February 11, 2015, at 4:00 p.m. to respond to the defendants' motion for summary judgment on the issue of exhaustion. The Court will provide the plaintiff with additional time to respond to the defendants' motion for summary judgment, but the new deadline for the plaintiff's response will necessarily be after February 11, 2015, since that date has already passed.

Fourth, on February 10, 2015, the defendants asked to stay summary judgment on the merits until the Court resolves their motion for summary judgment based on exhaustion grounds. The Court will grant this motion. If the Court denies the defendants' motion for summary judgment on exhaustion grounds, a new scheduling order will be issued providing time for discovery on the merits and a new dispositive motion deadline.

**IT IS THEREFORE ORDERED** that the plaintiff's motion for extension of

time (Docket #31) is **granted in part**.

**IT IS FURTHER ORDERED** that the plaintiff's motion to seal documents (Docket #32) is **denied**.

**IT IS FURTHER ORDERED** that the defendants shall provide the plaintiff with a copy of the 37 pages of mental health records they obtained as a result of the plaintiff's authorization in this case.

**IT IS FURTHER ORDERED** that the plaintiff's motion for extension of time (Docket #39) is **granted in part**. The plaintiff shall file his response to the defendants' motion for summary judgment on or before **Friday, March 20, 2015**.

**IT IS FURTHER ORDERED** that the defendants' motion to stay summary judgment on the merits pending decision on exhaustion motion (Docket #42) is **granted**.

Dated at Milwaukee, Wisconsin, this 19th day of February, 2015.

**SO ORDERED,**

  
HON. RUDOLPH T. RANDA  
U. S. District Judge